

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATHANIEL BRENT,

Plaintiff,

Case No. 05-71186

v.

District Judge Julian Abele Cook
Magistrate Judge R. Steven Whalen

AMERICAN FEDERATION OF
STATE, COUNTY, and MUNICIPAL
EMPLOYEES LOCAL 207,

Defendant.

ORDER DENYING MOTION TO STRIKE

Plaintiff has filed a motion to strike and for sanctions [Docket #40], seeking to strike Defendant's motion to compel [Docket #35]. The latter motion was erroneously titled "Plaintiff's Motion to Compel." Defendant responds that the error was typographical, and did not affect the substance of its motion. Indeed, any rational person reading the motion to compel (which was signed by Defendant's counsel, and which requests an order compelling the Plaintiff's deposition) would immediately understand that it was Defendant's motion, not Plaintiff's. Plaintiff filed a 15-page response to the motion, with 35 pages of exhibits. Indeed, the Court has issued a contemporaneous order granting the motion with full understanding that it was brought by the Defendant. The Court accepts that the erroneous title of the motion was the result of an inadvertent clerical error which has no substantive

effect.

Accordingly, Plaintiff's motion to strike and for sanctions [Docket #40] is DENIED.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: October 26, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on October 26, 2006.

S/Gina Wilson
Judicial Assistant